

EXHIBIT B

1 - 147

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

| | | |
|---------------------------|---|--------------|
| RONALD & PATRICIA SHAMON, |) | |
| |) | |
| Plaintiff, |) | |
| -v- |) | DOCKET NO. |
| |) | 04-11674-WGY |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Defendant. |) | |

THE ORAL DEPOSITION OF RONALD SHAMON, held pursuant to Notice, and the applicable provisions of the Federal Rules of Civil Procedure, before Diana Strzeminski, a Court Reporter and Notary Public, within and for the Commonwealth of Massachusetts, at the offices of the United States Attorney, 1 Courthouse Way, Suite 9200, Boston, Massachusetts, on Wednesday, March 16, 2005, commencing at 12:52 p.m.

COPY

APEX Reporting
(617) 426-3077

1 A Yes.

2 Q Do you own any other real estate?

3 A Any other real estate?

4 Q Yes.

5 A I have an interest in Nichols Street in Norwood,

6 Mass.

7 Q What do you mean by an interest?

8 A Well, from my previous divorce, which is in '85,

9 1985.

10 Q Can you explain further what you mean by interest?

11 A Well the settlement specified that I have a fifty

12 percent interest in the property.

13 Q Okay. And are you currently married?

14 A Yes.

15 Q To whom?

16 A Patricia Shamon, S-H-A-M-O-N, Shamon.

17 Q And when were you married?

18 A April 12 of 2002.

19 Q And you said that you were married before?

20 A Yes.

21 Q To whom?

22 A Helen -- maiden name or--

23 Q Maiden name is fine.

24 A Michaud, M-I-C-H-A-U-D.

25 Q Could you say that again?

1 A M-I-C-H-A-U-D.

2 Q And when did you marry Helen Michaud?

3 A Helen Michaud. It's, let me see, Valentine's Day,
4 February 14th, 1959.

5 Q And did you divorce?

6 A Yes, separated in 1982 and divorced in 1985.

7 Q Have you ever been married to anyone else?

8 A No.

9 Q Do you have any children?

10 A Yes, one daughter.

11 Q What is her name?

12 A Laura Polin, P-O-L-I-N.

13 Q And where does Laura reside?

14 A Norwood. 188 Prospect Street.

15 Q In Norwood?

16 A Yes. Norwood, N-O-R-W-O-O-D.

17 Q And what is Laura's date of birth?

18 A It was 9/10/68.

19 Q And what is your date of birth?

20 A 4/27/36.

21 Q Can you describe for me your education, starting
22 with high school?

23 A Hyde Park High School; graduated in 1955.

24 College course -- I don't know if that makes a
25 difference. There were several courses.

1 when somebody tells you after the fact that it's --

2 Q How long did they keep you in the hospital?

3 A Ten days, yes. Ten days. 21st, afternoon of the
4 21st, I was let out, yes.

5 They had to operate again a few days later because
6 they had to expand the incisions.

7 Q A few days after when?

8 A After the initial operation, they operated within
9 three or four days, I guess, later; five days, maybe, to
10 expand the incisions because they needed more drainage. It
11 was so severe.

12 And it was deplorable conditions, in the hospital.

13 There was a nurse that came in and had to get
14 credit on removing a catheter and putting a new one in
15 before she could get a certain credit for it. She was
16 having a tough time putting a new catheter in my penis.

17 So she closed the door. She came back over. She
18 straddled me on the bed and started sticking it in and
19 damaged my foreskin and my penis was hurting like crazy.

20 I yelled out for help. And Nurse Gilda, who was
21 the supervisor of the station, opened the door and she said
22 to her, "I want to talk to you."

23 She came off the bed and she talked to her some
24 place. She came back in and, thank God, she put it in, but-

25 -

1 A Oh, yeah.

2 Q You had this conversation with Dr. Fitzpatrick on
3 the--

4 A Oh, yeah.

5 Q Hold on one second.

6 You had this conversation with Dr. Fitzpatrick on
7 the 27th?

8 A Oh, no. On the 24th when I wanted to get a second
9 opinion.

10 So, he said, "I'll fill him in on your case." He
11 wanted me to wait another couple of weeks. You know, I
12 would have been dead, I'm sure.

13 So, I seen Dr. Cima, the best people, believe me.
14 That team was so super. He kept me there.

15 And, one doctor was shaking his head, "Boy." Like
16 this, and I knew. They didn't say anything, but I knew that
17 they knew something I didn't know.

18 Q What did -- what, if anything, did Dr. Cima say to
19 you?

20 A He took the CAT scan and he says, "I've got to
21 tell you, you have a problem. These infections, you have
22 three ulcers up ahead of you, atop. They're so bad, that
23 they are draining infection down on your sphincter.

24 "There's one next to your sphincter muscle," he
25 didn't tell me how large it was. He says, "...another one

1 besides your sphincter muscle.

2 He says, "We're going to put you on for an
3 operation tomorrow. You're admitted right now."

4 I didn't -- nothing, no notice, my wife didn't --
5 no notice. It was immediate.

6 The next morning, they went in with a 22-inch
7 Maillinckrodt French Drain and a Seton, a plastic Seton that
8 they attached to my fistula inside one of the -- inside of
9 that big ulcer. It turned out to be a 3-centimeter ulcer
10 that was next to my sphincter muscle.

11 My wounds were re-infected again. Now I had just
12 seen Dr. Cima just a few days before that. Now, my wounds
13 were re-infected, again.

14 Not to mention what's been happening up ahead --
15 three more ulcers -- and an ulcer that's right next to my
16 sphincter muscle.

17 So, it was a pretty good operation. I stayed
18 in the hospital another five or six days.

19 On that Friday--

20 Q --Before we move on: so, that operation was on
21 the 28th of February?

22 A 28th of February.

23 Q Right.

24 A I was in there the 27th.

25 Q And what happened next?

1 A On the 3rd -- I mean the 1st of March, which is
2 the Friday before I was discharged, Dr. Fitzpatrick came
3 into the room. My wife was there. He said, "I'm sorry, I'm
4 sorry." He put his hands to his head like this. And he
5 says, "I should have looked up higher, but you are in good
6 hands with Dr. Cima."

7 Q All right.

8 A I said, "You saved my life to make me a cripple."
9 And he walked out of the room.

10 I'm jumping ahead. Let me go back a moment.

11 Just hold it for a minute. Let me just get my
12 composure. I had to get back and get something.

13 Can I take a little break?

14 Q Absolutely.

15 MR. WILMOT: The time is?

16 COURT REPORTER: 3:12.

17 (Off the record at 3:12 p.m.)

18 (On the record at 3:20 p.m.)

19 BY MR. WILMOT:

20 Q You're going through the timeline of your -- the
21 times you were treated at the VA. You said you remember
22 something?

23 A Yes. In my conversation with Dr. Fitz on the
24 24th, after I insisted on getting a second opinion from a
25 proctologist, Dr. Cima, Dr. Fitz told me that he would

1 to once every two weeks, but once for a two-week period.

2 I can't really be exact with all these dates, but
3 I think I am doing pretty good with some of them, you know.

4 Q And then on May 16th, there is this procedure
5 which you just described.

6 A Yes.

7 Q After that procedure, when was the next time that
8 you saw a medical professional with regards to your
9 abscesses?

10 A The 29th sounds right. May 29th. Dr. Lin was
11 supposed to be the one -- supposed to be there because she -
12 - I think she assisted or -- I'm not quite sure who actually
13 did that operation.

14 Q Can you spell Dr. Lin's--

15 A L-i-n. Dr. Lin. I don't know her first name. I
16 can't remember it. Another nice doctor.

17 Q And, what did you see Dr. Lin for?

18 A Well, she was supposed to -- she was the one who
19 either did the operation or assisted in the operation. The
20 appointment was set up for her scheduled to be there on the
21 29th. But, something came up. She couldn't make it.

22 Dr. Cima was there, and Dr. Cima said, "It came
23 out great. You did a great job."

24 I said, "You did the great job." They took the
25 Seton valve out -- the drain out. It's very important that

1 it heals from the inside out. They are going to look at it
2 very carefully, and that's when he -- I -- on 16th of May
3 that was very important at that time. And he looked at it,
4 and he says, "Great news. It's healing from the inside
5 out."

6 And he said, "There's mucosa still coming out.
7 It will come out for a short while than it will go away."

8 As time went on, I kept on calling him. I said,
9 "It is still draining from my rectum. It's like
10 incontinence, right?"

11 He said, "That will go away."

12 I called him three or four different times and he
13 says, "Come in and see me." And this was in September.
14 October? October.

15 Q What was the date was that?

16 A I don't know the date, but I believe either -- in
17 that period, you know, October sometime. It's in the -- I'm
18 sorry but I can't get that one in my head. October,
19 sometime.

20 And I was worried because it had been draining
21 for all that period of time. And he looked at me. And he
22 said, "Oh, boy,"

23 And I said, "What do you mean by that"?

24 And, you know, he said, "You have a defective
25 sphincter."